

## **II. REMARKS**

### **A. Status of the Claims**

Claims 1-11 were pending in the case at the time of the Office Action, with claims 8-11 having been previously withdrawn from consideration as being directed to a non-elected invention. Claim 1 has been amended in the Amendment set forth herein. No claims have been canceled. New claims 12-14 have been added, and each of these claims falls within the scope of the elected invention. Thus, claims 1-7 and 12-14 are currently pending and presented for consideration.

Support for the amendment of claim 1 to recite ligating the fallopian tube “using a first loop configured to block a patency of the fallopian tube” can be found generally throughout the specification, such as in the paragraph bridging pages 3-4 of the specification. Support for new claims 12-14 can be found generally throughout the specification, such as in the following sections of the specification: the paragraph bridging pages 3-4 through the first full paragraph of page 4; page 6, first full paragraph.

### **B. The Rejections Under 35 U.S.C. §102(b) Are Overcome**

Claims 1-7 are rejected under 35 U.S.C. §102(b) as being anticipated by Kalloo *et al.* (U.S. Patent App. Pub. No. 2001/0049497; hereinafter “Kalloo”). Kalloo is said to disclose a method for ligation of a fallopian tube of a human patient that involves use of an endoscope to orally access a gastric wall of a patient, advancing the endoscope into the peritoneal cavity, locating and ligating the fallopian tube, removing the endoscope, and sealing the puncture. Applicants respectfully traverse.

Without conceding that the claims as originally written would have been anticipated by Kalloo, Applicants note that claim 1 has been amended to recite ligating the fallopian tube “using a first loop configured to block a patency of the fallopian tube.”

Kalloo does not anticipate the claimed invention because it does not expressly or necessarily disclose ligating a fallopian tube using a first loop configured to block a patency of the fallopian tube. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” ). While Kalloo mentions “application of the ligating clips to fallopian tubes for tubal ligation purposes” it does not expressly or necessarily disclose using a loop to ligate a fallopian tube. Para [0049]. Thus, Kalloo fails to anticipate claim 1. Nor does it anticipate any of dependent claims 2-5 as each of these claims depends from claim 1 and includes all of the limitations of claim 1.

New claims 12-14 are not anticipated by Kalloo because each of these claims depends from claim 1, and thus includes each of the limitations of claim 1. New claims 12-14 are additionally not anticipated by Kalloo because Kalloo does not expressly or necessarily disclose “a first loop that is a silicone band” (claim 12), a first loop that is “coupled to the endoscope” (claim 13), or “a second loop configured to block a patency of the fallopian tube [that] is coupled to the endoscope” (claim 14).

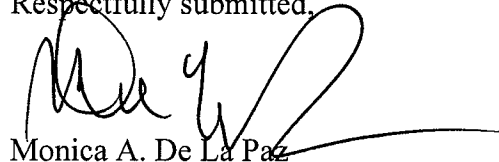
Claim 6 is not anticipated by Kalloo because as discussed above, Kalloo does not expressly or necessarily disclose ligation of a fallopian tube using a first loop configured to block a patency of the fallopian tube. Nor is claim 7 anticipated by Kalloo, because it depends from claim 6 and thus includes each of the limitations of claim 6.

In view of the foregoing, Kalloo fails to anticipate the claims under 35 U.S.C. §102(b). Therefore, it is respectfully requested that the rejections under 35 U.S.C. §102(b) based on Kalloo should be withdrawn.

**C. Conclusion**

In view of the foregoing, it is respectfully submitted that each of the pending claims is in condition for allowance, and a Notice of Allowance is earnestly solicited. The Examiner is invited to contact the undersigned attorney at (512) 536-5639 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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